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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,141	08/16/2001	John M. Baron	10011911	3145

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

DU, THUAN N

ART UNIT PAPER NUMBER

2116

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/931,141	<b>Applicant(s)</b> BARON, JOHN M.	
	<b>Examiner</b> Thuan N. Du	<b>Art Unit</b> 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/16/01</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: IDS (dated 8/16/01).
2. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bahjat et al. [Bahjat] (U.S. Patent No. 5,159,163).

5. Regarding claims 1, 8 and 10, Bahjat teaches an electronic information retrieval device (EMS 115), comprising:

a time source (138) [Fig. 8] ;

a communication interface (114b) capable of communicating with one or more external devices [col. 3, lines 50-51; col. 3, line 67 to col. 4, line 1];

at least one I/O device (136) [Fig. 8];

a memory (132) storing a plurality of time values and storing a corresponding plurality of time-based default values [Fig. 8; col. 7, line 66 to col. 8, line 2]; and

a processor (130) communicating with said time source [col. 8, lines 10-11], said communication interface [Fig. 1], said at least one I/O device, and said memory [col. 7, lines 64-66];

wherein said processor obtains a current time value from said time source [col. 8, lines 22-24], compares said current time value to said plurality of time values [col. 8, lines 29-31], retrieves a corresponding particular time-based default value from said plurality of time-based default values, and uses said particular time-based default value [col. 8, lines 59-64].

Bahjat teaches that the processor obtains a current time value from time source periodically. As such, the selected default value may be retrieved and used periodically.

Bahjat does not explicitly teach the selected default value is retrieved and used upon initialization of the device.

Since the elevator taught by Bahjat is controlled at all time, one of ordinary skill in the art would have readily recognized that the elevator is also controlled at the startup time. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the selected default value (stored in memory) is retrieved and used at the startup time of the system.

6. Regarding claims 2-5, Bahjat teaches that a predetermined time value includes time-of-day value or day-of-week value [col. 8, lines 22-31]. Therefore, one of those skills in the art would have recognized that it is a matter of design choice to implement the predetermined time value to be a time-of-day value, a day-of-week value, a week-of-year value or a solar time value.

7. Regarding claims 6 and 11, using a user input device to trigger the initialization of a system is well known to those skill in the art, therefore, it would have been obvious to use a user input device to trigger the startup of the system taught by Bahjat.

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8. Regarding claims 7 and 12, one of ordinary skill in the art would have recognized that a power supply is obviously needed and included in any system, including the system taught by Bahjat. Moreover, the initialization of the device occurs when power supply first provides electrical power to the device is well known.

9. Regarding claims 9 and 13, Bahjat teaches that the time values and default values are user settable [col. 6, lines 33-35; col. 7, lines 21-23].

10. Regarding claims 14-20, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

#### *Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.



Thuan N. Du  
August 5, 2004